

UNITED STATES DISTRICT COURT

Southern

District of

New York

Buyers and Renters United to Save Harlem, et al.

V.

Pinnacle Group Corp. and Joel Wiener

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 6316

JUDGE McMAHON

TO: (Name and address of Defendant)

Joel Wiener
One Penn Plaza, Suite 4000
New York, NY 10119

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Richard F. Levy, Esq.
Jenner & Block LLP
919 Third Avenue, 37th Floor
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 11 2007

CLERK

DATE

(By)  DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index # 07 CIV 6316

BUYERS AND RENTERS UNITED TO SAVE HARLEM, *Plaintiff/Petitioner*
et al,

AFFIDAVIT OF SERVICE*against**Defendant/Respondent***PINNACLE GROUP CORP. AND JOEL WIENER**

STATE OF NEW YORK, COUNTY OF QUEENS ss:

SAMUEL RIVERA, the undersigned, being duly sworn, deposes and says;

Deponent is not a party herein, is over 18 years of age and resides in the STATE OF NEW YORK
 That on **SEPTEMBER 11TH, 2007 at 6:38 PM, at 66 WOOD LN, WOODMERE, NEW YORK 11598**
 Deponent served the within -- **SUMMONS IN A CIVIL ACTION AND COMPLAINT, ORDER SCHEDULING AND INITIAL PRE TRIAL CONFERENCE, CIVIL CASE MANAGEMENT PLAN, CIVIL COVER SHEET, RULE 7.1 STATEMENT, PROCEDURES FOR ELECTRONIC CASE FILING, INDIVIDUAL PRACTICES OF JUDGE MCMAHON, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS**

On **JOEL WIENER**☒ Said papers served had endorsed thereon index # and date of filing**Individual**☐

by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

Corporation☐by delivering thereat a true copy of each to .
Said individual stated she/he is a managing/authorized agent of the corporation, thereof, authorized to accept legal process.**Suitable Age Person**☐by delivering there a true copy of each to a person of suitable age and discretion.
Said premises is recipient's ☐ Home ☐ Business Address, within the state.
Person spoken to, verified that defendant actually resides/is employed at these premises.**Affixing To Door**☒by affixing a true copy of each to the door of said premises, which is recipient's ☒ Home ☐ Business Address
---within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there: Address Confirmed by **HOUSEKEEPER (JANE DOE REFUSED NAME 09/04/07)**

SEPTEMBER	4 TH	2007	8:56 PM
SEPTEMBER	10 TH	2007	8:43 PM
SEPTEMBER	11 TH	2007	6:38 PM


Mailing☒On **09/11/2007**, deponent completed service by depositing a true copy of each document to the above address in a 1st Class post paid properly addressed envelope marked **"Personal & Confidential"** in an official depository under the exclusive care and custody of the United States Post Office.**Certified Mail Number** (If Required):**Description**☐Gender _ Color of skin _ Color of Hair _ Facial Hair _ Glasses
Approximate age _ Approximate height _ Approximate weight
Other identifying features:**Fees**☐At the time of said service, deponent paid (tendered) in advance **\$0.00**, the authorized witness fee and/or traveling expenses to the recipient.**Military**☒

In response to my questions said person told me that the Defendant was not in the military service or financially dependant upon anyone who is in the military service of the United States of America or of the State of New York in any capacity. From the facts above set forth, I am convinced that the said defendant is not in the military service at the present time.

Sworn to before me on
SEPTEMBER 11TH 2007

BEATRIZ RIVERA
 NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01RI6164487
 QUALIFIED IN QUEENS COUNTY
 COMMISSION EXPIRES 04/23/2011


 Notary Public


 SAMUEL RIVERA
 License Number 1241090